

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

NO. 3:19-CR-245-M

v.

ECF

TIMOTHY BERNARD TANNER

**GOVERNMENT'S REQUEST FOR SPECIFIC
VOIR DIRE QUESTIONS TO THE JURY PANEL**

TO THE HONORABLE BARBARA M. J. LYNN, UNITED STATES DISTRICT
JUDGE, NORTHERN DISTRICT OF TEXAS:

The United States of America files this request for specific questions to the jury panel pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure. The government hereby requests the Court to ask the following questions of the jury panel:

1. Timothy Bernard Tanner, the defendant, has been charged by grand jury indictment with possession of a firearm by a convicted felon. Is there any member of the panel, who for personal reasons or otherwise, from personal experience or familiarity with the experience of others, could not be a fair and impartial juror in a case such as this one?

(a) Is there any member of the panel who believes that a convicted felon should not be punished for possessing a firearm?

(b) Is there any member of the panel who believes that the federal government should not be investigating and prosecuting firearm crimes?

(c) Do any panel members believe that the federal gun laws are too harsh?

2. A “firearm” is defined as any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosive. The term “firearm” also includes the frame or receiver of any such weapon, or any firearm muffler or firearm silencer, or destructive device.

(a) Is there any member of the panel who believes they would have difficulty convicting a person of this offense, under any part of this definition?

3. Does any member of the jury panel have any personal convictions, based on religion, moral beliefs or other such convictions, that they could not, after hearing all the evidence and law in this case, pass judgment on another human being by returning a verdict of guilty?

4. Just as the defendant is entitled to a fair trial, so is the government. Is there any one of you because of something in your background or beliefs, something you seen or heard on television or radio, or have read in the newspapers, who feel like you cannot give the government the same fair trial in this type of case that you will give the defendant?

5. If you have had any dealings with any other governmental agency, federal or state, is there anything in that experience which would affect your ability to be fair and objective toward both the government and the defendant in your consideration of the evidence in this case?

6. Have any of you, your relatives or close friends, ever been a party to any legal action or proceeding involving the government, its officers, agents or employees? If so, would that experience affect your ability to be fair and objective toward both the government and the defendant in your consideration of the evidence in this case?

7. Have any of you, your relatives or close friends ever been involved as a witness, complainant or accused in a court proceeding of any kind? If so, would that experience affect your ability to be fair and objective toward both the government and the defendant in your consideration of the evidence in this case?

8. Have you or any member of your family or a close friend ever been accused, arrested, charged, or convicted of a crime (other than a traffic ticket)? If so, what type of crime? Would that have any affect on your ability to be fair and impartial in evaluating this case?

9. Have you or any family member or a close friend ever been on probation or parole as a result of a criminal charge? Would that influence your ability to be fair and impartial in evaluating this case and deliberating about a verdict?

10. Has any member of your family or a close friend been sent to prison? If so, when was the conviction and what type of crime was it? Would that have any affect on your ability to be fair and impartial in evaluating this case and reaching a verdict?

11. Have any of you ever served on a trial jury in either federal or state court?

(a) If so, was it a civil or criminal case?

(b) If criminal, what were the charges against the defendant, and did the jury reach a verdict?

(c) Is there anything in that experience which would make it difficult for you to be fair and objective toward both the government and the defendant in your consideration of the evidence in this case?

12. Your duty, as jurors, is merely to decide guilt or innocence based upon the evidence and my instructions to you as to the law which you must apply in your

or wrong cannot play any part in your deliberations and review of the evidence. Is there anyone who feels that they cannot accept my instructions on the law and apply those instructions in your consideration of evidence?

13. It is my duty, as judge, to determine punishment if you find, after considering the evidence and my instructions as to the law you must apply, that the defendant is guilty of one or more counts in the indictment. The law does not permit you to consider the issue of punishment because there are factors, having nothing to do with this trial, which will help me determine the appropriate sentence, if any. Is there anyone here who would vote “not guilty,” no matter what the evidence indicates, because of the possibility that the Court may impose a jail sentence or any other particular sentence?

14. Can you think of any reason if you are chosen to sit on this jury, why you might not be able to render a fair and impartial verdict based solely upon the evidence and the law as the Court will instruct you at the conclusion of the case?

15. Does anyone have any problem with his or her hearing or sight or any other medical problem which might impair his or her ability to devote their full attention to the trial or to fully observe what happens at the trial of this case?

16. Would each of you agree that you can look at surrounding facts and circumstances to decide what the truth is?

(a) And if you are given instructions by the judge that circumstantial evidence has the same legal effect as direct evidence you will be able and willing to follow that instruction?

17. The government intends to call the following witnesses:

does any member of the jury panel think you might know any potential witness?

18. The defendant intends to call the following witnesses:

[Read The Defendant's Witness List]

does any member of the jury panel think you might know any of these potential witnesses?

19. Has any member of the jury panel heard anything about this case?

20. Does any member of the panel know any of the attorneys, John J Boyle, Assistant United States Attorney representing the government, and Michael Kawi, who represents Timothy Bernard Tanner?

21. Does any member of the panel know the defendant, Timothy Bernard Tanner?

22. There are many people on this jury panel. Do any of you recognize other members of the panel as being a close friend or associate?

23. Have any of the panel members served as a federal or state peace officer?

24. Have any of the panel members ever served or been employed in the office of any state or federal prosecutor?

25. Has any member of the panel received any kind of special training in law enforcement or law?

26. Do any of you have a member of your family who is employed by the federal government or by a state government or by any governmental entity?

27. Do any of you have close friends who are involved in law enforcement?

28. This case is brought by agents of the Bureau of Alcohol Tobacco and

who have family members or close personal friends who are employed by these agencies?

29. Are any of the panel members personally acquainted with any of the facts involved in this case?

30. There are many shows on television depicting crime scene investigation and new stories regarding DNA evidence. Police procedures can be considered by the jury, however, is there any jury member who if they believed the testimony of the witnesses beyond a reasonable doubt, as to each element of the offense, would still have trouble convicting because of some personal belief regarding the lack of fingerprints or DNA type material? Or because of some personal standard, would require that type of evidence before they could convict a person?

31. In order to obtain a conviction, the government must prove possession of an item, either drugs or a weapon. Possession will be defined in the charge. Possession can be actual or constructive. It can also be joint possession. However, possession does not always mean ownership. If the government proved possession of the item beyond a reasonable doubt, is there any jury member who would not convict because someone else may have owned the weapon?

32. Does any member of the panel distrust law enforcement?

The above questions are submitted by the government to aid in the intelligent exercise of challenges.

Respectfully submitted,

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UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2020 I electronically filed the foregoing document with the Clerk of Court for the United States District Court, Northern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorney(s) of record who have consented in writing to accept this Notice as service of this document by electronic means: Michael Kawi.

s/ John J. Boyle
JOHN J. BOYLE
Assistant United States Attorney